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Paper No. 20

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OCT 07 2005

In re Application of
ZHANG
Application No. 09/987,607
Filed: November 15, 2001
Attorney Docket No. 740756-2395

DECISION ON PETITION

This is a decision on the petition filed June 17, 2004, requesting that the holding of abandonment in the above-identified application be withdrawn.

The petition to withdraw the holding of abandonment is DENIED.

A non-final Office action was mailed on November 3, 2003, setting a three-month period of response. A Notice of Abandonment was mailed on May 18, 2004.

Petitioner asserts that an Amendment in response to the Office action was timely filed in the Patent and Trademark Office (USPTO) on February 3, 2004. This is evidenced by a copy of the Amendment including a certificate of mailing and the post card receipt indicating receipt on February 10, 2004.

The Amendment is not of record in the application file and cannot be located. However, the procedure for determining whether a response is considered timely filed in the Office is set forth in MPEP § 503.

Applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides prima facie evidence that the reply was timely filed. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment.

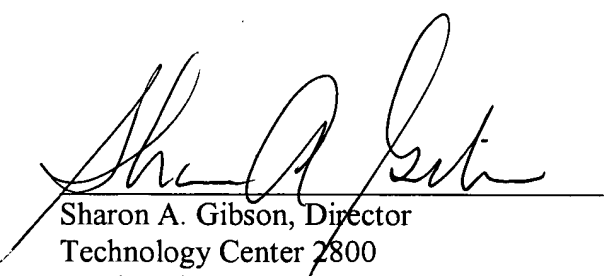
Petitioner's post card receipt is insufficient to establish that the Amendment was received in the USPTO on February 10, 2004. The stamp "MELLON FEB 10 2004" is not a recognized Office date stamp to establish prima facie evidence of receipt.

Accordingly, absent a stamped post card receipt from the USPTO, there was no timely response to the non-final Office action mailed on November 3, 2003.

The application thus became abandoned as a matter of law.

Petitioner may wish to consider filing a petition under 37 CFR § 1.137(a) or (b) requesting that the application be revived. A petition under 37 CFR § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action; (2) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; (3) any terminal disclaimer required pursuant to 37 CFR § 1.137(c); and (4) the petition fee as set forth in 37 CFR § 1.17(m). No consideration to the substance of a petition will be given until this fee is received.

Questions regarding this decision should be directed to Jose' G. Dees at 571-272-1569.



Sharon A. Gibson, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

161-2813

Docket No.: 0756-2395

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Patent application of)
Hongyong ZHANG)
Serial No. 09/987,607) Group Art Unit: 2813
Filed: November 15, 2001) Examiner: David Hogans
For: METHOD FOR PRODUCING)
SEMICONDUCTOR INTEGRATED CIRCUIT)
INCLUDING A THIN FILM TRANSISTOR AND A
CAPACITOR

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with
The United States Postal Service with sufficient postage as First
Class Mail in an envelope addressed to: Commissioner for Patents,
P. O. Box 1450, Alexandria VA 22313-1450, on October 6, 2005
Erin J. Robinson

THIRD REQUEST FOR STATUS

Honorable Commissioner of Patents
P. O. Box 1450
Alexandria VA 22313-1450
Sir:

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TECHNOLOGY CENTER 2800

To date the undersigned attorney of record has received no action on the petition
to withdraw holding of Abandonment filed June 14, 2004 in the above-identified patent
application. Please provide the undersigned with a status report of the application in
writing.

Respectfully submitted,

Eric J. Robinson
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Reg. No. 38,285

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